

**ENTERED**

October 28, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:	§	
	§	CASE NO. 21-30725 (DRJ)
BRAZOS ELECTRIC POWER	§	
COOPERATIVE, INC.,	§	Chapter 11
	§	
Debtor. <sup>1</sup>	§	

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**AGREED ORDER (A) AUTHORIZING OMNIBUS CLAIMS OBJECTION FOR  
NATURAL GAS CLAIMS, AND (B) GRANTING RELATED RELIEF**

[Relates to Docket No. 1220]

Upon the *Emergency Motion for an Order (A) Authorizing Omnibus Claims Objection for Natural Gas Claims, and (B) Granting Related Relief* (the “Motion”) of Brazos Electric Power Cooperative, Inc. (the “Debtor”) for entry of an order (the “Agreed Order”) (a) allowing the Debtor to file an omnibus claims objection against the Gas Claims, and (d) granting related relief; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and each of the Gas Claimants<sup>2</sup> and parties-in-interest that are signatories hereto having agreed to the relief set forth in this Agreed Order; and it appearing that the Court may enter a final order consistent with Article III of the United States Constitution; and it appearing that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that notice of the Motion was appropriate under the circumstances and no other further notice need be provided; and the Court having reviewed the Motion; and all responses, if any, to the Motion having been withdrawn, resolved, or overruled; and the Court having determined that the

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<sup>1</sup> The Debtor in this chapter 11 case (the “Chapter 11 Case”), along with the last four digits of its federal tax identification number is: Brazos Electric Power Cooperative, Inc. (4729). Additional information regarding this case may be obtained on the website of the Debtor’s claims and noticing agent at <http://cases.stretto.com/Brazos>. The Debtor’s address is 7616 Bagby Avenue, Waco, TX 76712.

<sup>2</sup> Capitalized terms not defined herein have the meaning ascribed to such terms in the Motion.

legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings before this Court; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. Pursuant to Bankruptcy Rule 3007(c), Local Rule 3007-1, and the Complex Case Rules, the Debtor is authorized to file and prosecute an omnibus objection against the Gas Claimants in the Gas Claims Adversary Proceeding (the “Omnibus Gas Claims Objection”) solely for purposes of adjudicating issues of law common to the Gas Claims and for consolidation of all fact and expert discovery with respect to the Gas Claims for administrative convenience.

2. The Omnibus Gas Claims Objection shall include individual allegations with respect to each Gas Claimant.

3. Each Gas Claimant reserves the right to seek relief from the Court to have any and all issues of fact or mixed issue of law and fact tried and adjudicated separately.

4. Except as expressly set forth herein, nothing in this Agreed Order shall affect the duties or rights of the Debtor or the Gas Claimants under Bankruptcy Rule 3007(a),(b), (e), or (f).

5. Nothing in this Agreed Order affects the Debtor’s authority to pay claims to the extent authorized by a separate order of the Court.

6. Nothing in this Agreed Order obligates the Debtor to settle or pursue settlement of any particular claim. Settlements of claims may be negotiated and compromised by the Debtor in its sole discretion.

7. Nothing in this Agreed Order is: (a) an admission of the amount, basis, priority or validity of any claim; (b) an impairment or waiver of the Debtor’s or any other party in interest’s

right to dispute any claim on any grounds or to assert counterclaims, rights of offset or recoupment or other defenses to any claim or to seek to estimate any claim; (c) a promise or requirement to pay any claim; (d) a waiver of the Debtor's or any other party in interest's rights under the Bankruptcy Code or other applicable law; or (e) prejudicial to the Debtor's right to object to any claim on an individual basis.

8. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Bankruptcy Local Rules are satisfied by such notice.

9. Notwithstanding anything contained in the Motion or this Agreed Order, each Gas Claimant reserves all of its rights to file individual answers, individual briefs and/or individual motions in the Gas Claims Adversary Proceeding with respect to its individual Gas Claim.

10. The terms and conditions of this Agreed Order are immediately effective and enforceable upon its entry.

11. The Debtor is authorized to take such action necessary to effectuate the relief granted in this Agreed Order.

12. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation and/or enforcement of this Agreed Order.

**Signed: October 28, 2021.**

  

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DAVID R. JONES  
UNITED STATES BANKRUPTCY JUDGE

**AGREED TO BY:**

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